

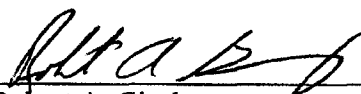
MEMORANDUM

GOE
Agenda Item No. 3 (M)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners **DATE:** September 14, 2004

FROM: Robert A. Ginsburg
County Attorney **SUBJECT:** Resolution relating to Charter amendment - initiative petitions

The accompanying resolution was prepared and placed on the agenda at the request of Senator Javier D. Souto.



Robert A. Ginsburg
County Attorney

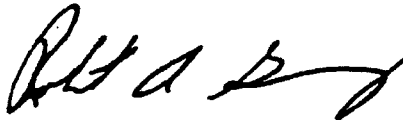
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MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D. DATE: July 13, 2004
and Members, Board of County Commissioners

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.
7-13-04

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, AUGUST 31, 2004 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PROVIDE THAT THE CLERK OF THE CIRCUIT COURT, WITH THE CONCURRENCE OF THE COUNTY ATTORNEY, APPROVE THE FORM OF INITIATIVE PETITIONS, RATHER THAN THE BOARD OF COUNTY COMMISSIONERS

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. A Countywide special election is hereby called and shall be held in Miami-Dade County, Florida on Tuesday, August 31, 2004 for the purpose of submitting to the qualified electors of Miami-Dade County the proposal for amendment to the Home Rule Charter in the form attached hereto and made a part hereof.

Section 2. Notice of such election shall be published in accordance with Section 100.342, Florida Statutes 2003.

Section 3. The result of such election shall be determined by a majority of the qualified electors of Miami-Dade County voting upon the proposal. The polls at such election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such election. All qualified electors of Miami-Dade County, Florida, shall be entitled to vote at said election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until twenty-nine (29) days prior to the date of such election, at which time the registration books will

close in accordance with the provisions of the general election laws. Touch Screen Voting machines shall be used in such special election, and the question shall appear on the ballot in substantially the following form:

**MIAMI-DADE HOME RULE CHARTER AMENDMENT RELATING TO
APPROVAL OF INITIATIVE PETITIONS**

SHALL SECTION 7.01(1) OF THE HOME RULE CHARTER
BE AMENDED TO PROVIDE THAT THE CLERK OF THE
CIRCUIT COURT, WITH THE CONCURRENCE OF THE
COUNTY ATTORNEY, APPROVE THE FORM OF
INITIATIVE PETITIONS, RATHER THAN THE BOARD OF
COUNTY COMMISSIONERS?

YES

☐

NO

☐

Section 4. Such question shall appear on the ballot as a separate question or proposal. Those qualified electors desiring to adopt or approve such proposal shall be instructed to vote "YES". Those qualified electors desiring to reject or disapprove the proposal shall be instructed to vote "NO."

Section 5. Optical scan or touch screen systems may be used for absentee voting by qualified electors of Miami-Dade County for voting on this question at said election. The form of such absentee ballot shall be in accordance with the requirements prescribed by the general election laws, and shall have printed thereon the question or proposal hereinabove set forth, with proper place for voting either "YES" or "NO".

Section 6. A sample ballot showing the manner in which the question or proposal aforesaid will appear on the touch screen system at this election shall be published and provided in accordance with the applicable provisions of the general election laws.

Section 7. This election on the proposal aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to elections and the provisions of the Miami-Dade County Home Rule Charter. The County Manager, the Finance Director, the Supervisor of Elections and the Clerk of the County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution. This election shall be a nonpartisan election. Inspectors and clerks to serve as election officials in connection with this election shall be appointed in accordance with the provisions of the general election laws.

Section 8. This election shall be canvassed by the County Canvassing Board, in accordance with the provisions of Section 2.07 of the Home Rule Charter.

Section 9. Any resolution or resolutions which are inconsistent with the terms of the preceding sections of this resolution shall also be rescinded and repealed as if specifically designated herein.

The foregoing resolution was sponsored by Senator Javier D. Souto and offered by
Commissioner _____, who moved its adoption. The motion was seconded by
Commissioner _____ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson
Katy Sorenson, Vice-Chairperson

Bruno A. Barreiro
Betty T. Ferguson
Joe A. Martinez
Dennis C. Moss
Natacha Seijas
Sen. Javier D. Souto

Jose "Pepe" Diaz
Sally A. Heyman
Jimmy L. Morales
Dorin D. Rolfe
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 13th day of July, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

RA6

Robert A. Ginsburg

ARTICLE-7¹

INITIATIVE, REFERENDUM, AND RECALL

Section 7.01. Initiative and Referendum.

The electors of the county shall have the power to propose to the Board of County Commissioners passage or repeal of ordinances and to vote on the question if the Board refuses action, according to the following procedure:

1. The person proposing the exercise of this power shall submit the proposal, including proposed ballot language, to the ~~[[Board which]]~~ >>Clerk of the Circuit Court who, with the concurrence of the County Attorney,<< shall without delay approve as to form a petition for circulation in one or several copies as the proposer may desire.

*

*

*

¹Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.